

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATERN, INC.

Plaintiff,

v.

ABBOTT LABORATORIES, *et al.*,

Defendants.

Civil Case No.: 2:11-cv-00203-TJW

JURY TRIAL DEMANDED

**AGREED MOTION FOR DISMISSAL WITH PREJUDICE OF
DEFENDANT LOCKHEED MARTIN CORPORATION**

Plaintiff DataTern, Inc. and Defendant Lockheed Martin Corporation (“Lockheed”) file this Agreed Motion for Dismissal with Prejudice pursuant to Fed. R. Civ. P. 41(a)(2) and (c).

Plaintiff and Defendant Lockheed hereby move for an order dismissing all claims asserted by Plaintiff against Defendant Lockheed in this action WITH PREJUDICE with each party to bear its own costs, expenses and attorneys’ fees.

Dated: June 3, 2011

Respectfully submitted,

DATATERN, INC.

By: /s/ Timothy J. Haller

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LOCKHEED MARTIN CORPORATION

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CERTIFICATE OF SERVICE

I hereby certify that the counsel of record who are deemed to have consented to electronic service are being served this June 3, 2011, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Gabriel I. Opatken
NIRO, HALLER & NIRO
Attorneys for DataTern, Inc.